

# MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTYEIGHTH LEGISLATURE,

At its Session, held in January, 1836.

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Published agreeably to the Resolbe of June 28, 1820.

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1836.

## Chapter 148.

AN ACT to establish the Frankfort, Bangor and Belfast Rail Road Corporation.

Approved March 22, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Benjamin Shaw, Albert L. Kelly, Webster Kelly, Eben. S. Coffin, Nehemiah Rich, Waldo Pierce, Tisdale Dean, William Andrews, Lewis C. Kelly, Archibald Jones, Benjamin Johnson, Elisha Chick Jr., Jeremiah Holmes, Francis W. Rhoades, James Arey, Ephraim Lincoln, Wiggins Hill, Joseph Carr, William B. Reed, Theodore B. McIntire, Willis Patten, Waldo T. Pierce, James B. Fisk, Abner Taylor, Thomas A. Hill, Lot V. and Joseph Bartlett, their associates, successors and assigns be and they hereby are made a body politic and corporate, by the name of the Frankfort, Bangor and Belfast Rail Road Corporation, and by that name shall be and hereby are made capable in law, to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in any Courts of Record, or in any other place whatever; to have a common seal which they may alter at pleasure, and shall be and hereby are vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this Act, agreeably in all respects to an Act, entitled "An Act defining certain rights and duties of Rail Road Corporations" passed March first eighteen hundred and thirty six, and as hereinafter set forth—and the said Corporation are hereby authorized and empowered to locate, construct and finally complete, alter and keep in repair a Rail Road, with one or more set of rails or tracks, with all suitable bridges, viaducts, turnouts, culverts, drains and all other necessary appendages, from some point or place at or near the tide waters in the City of Bangor in the County of Penobscot, with the right to connect with one or both of the Rail Roads leading from said Bangor to Orono, to the navigable Winter Waters, at the north

Name of Corporation.

Corporate name.

Powers and privileges.

end of Frankfort village in the County of Waldo, at or near Low's Brook, and from thence extending down the Penobscot River so as to include a sufficient space for a convenient and commodious Depot; with the right to extend said Rail Road to the Town of Belfast, and there to be connected with any Rail Road that may hereafter be made from said Belfast to the Kennebec River, and with the right also to extend a Rail Road from said Village of Frankfort to the Town of Brooks in said County of Waldo and there to be connected, with the contemplated Québec and Belfast Rail Road.—Saving to the public the right to locate and construct any highway across said Rail Road subject to the existing provisions of law for the location, construction and repair of highways.

SECT. 2. *Be it further enacted,* That the capital stock of said Corporation shall consist of not less than two thousand, nor more than seven thousand shares, and the immediate government and direction of the affairs of said Corporation shall be vested in seven Directors, who shall be chosen by the members of said Corporation, in the manner hereinafter provided, and shall hold their offices until others shall be duly elected and qualified to take their place, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be President of the Board, who shall also be President of the Corporation; and shall have authority to choose a Clerk, who shall be sworn to the faithful discharge of his duties, and a Treasurer who shall give bonds to the Corporation, with sureties to the satisfaction of the Directors, in the sum of not less than ten thousand dollars, for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened, under the direction of the persons named in the first section of this Act, at such time and in such places in the shire towns in the several Counties in this State, and elsewhere, as they shall appoint, to remain open for ten successive days, of which time and places of subscription, public notice shall be given in some newspaper printed in

Number of  
shares.

Government, &c.

Directors may  
choose a Clerk  
and Treasurer.

Stock books to be  
opened for sub-  
scriptions.

the cities of Portland and Bangor, and in the Towns of Augusta and Belfast, twenty days at least previous to the opening of such subscription; and in case the amount subscribed shall exceed two thousand shares for said Rail Road from the City of Bangor to Frankfort; three thousand shares for said Rail Road from Frankfort to Belfast, and two thousand shares for said Rail Road from Frankfort to Brooks, the same shall be distributed among all the subscribers, according to such regulations, as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books. And any seven of the persons named in the first section of this Act, are hereby authorized to call the first meeting of the said Corporation, by giving notice in one or more newspapers published in each of the said Cities and Towns above named, of the time, place and the purpose of such meeting, at least twenty days before the time mentioned in such notice.

Mode of calling  
the first meeting.

SECT. 3. *Be it further enacted,* That the President and Directors, for the time being, are hereby authorized and empowered by themselves or their Agents, to exercise all the powers herein and by the aforesaid Act of March first eighteen hundred and thirty six, granted for the purpose of locating, constructing and completing said Rail Roads, and for the transportation of persons, goods and property of all descriptions, and all such power and authority for the management of the affairs of the Corporation as may be necessary and proper to carry into effect the object of this grant; to purchase and hold lands, materials, engines, cars and all other necessary things in the name of the Corporation for the use of said Rail Roads and for the transportation of persons, goods and property of all descriptions; to make such equal assessments from time to time, on all the shares in the said Corporation, as they may deem expedient and necessary, in the execution and the progress of the work, and direct the same so be paid to the Treasurer of the Corporation. And the Treasurer shall give notice of all such assessments in such manner as

Powers of President and Directors.

Stockholders neglecting to pay assessments, shares may be sold.

shall be prescribed by the by laws of said Corporation; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after having been so notified by the Treasurer of said Corporation, the Directors may order the Treasurer to sell such share or shares at public auction after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or Stockholder shall be held accountable to the Corporation for the balance, if his share or shares sell for less than the assessments due thereon, with the interest and costs of sale; and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due, with interest and costs of sale; *Provided, however,* That no assessments shall be laid on any shares in said Corporation of greater amount, in the whole than one hundred dollars.

Proviso.

May make by-laws, &c.

SECT. 4. *Be it further enacted,* That the said Corporation shall have power to make, ordain and establish all necessary by laws and regulations, consistent with the Constitution and the laws of the State, for their own government and for the due and orderly conducting of their affairs, and the management of their property.

Toll to be established by Directors.

SECT. 5. *Be it further enacted;* That a toll be, and hereby is granted and established for the sole benefit of said Corporation, upon all passengers and property of all descriptions which may be conveyed or transported upon said Road at such rates per mile as may be agreed upon and established from time to time by the Directors of said Corporation. The transportation of persons and property, the construction of the wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of said Road, shall be in conformity with such rules, regulations and provisions, as the Directors shall from time to time prescribe and direct. And said Corporation, after they shall commence the receiving of tolls shall be bound at all times to have said Rail Road in good repair, and a sufficient number of suitable carriages

Corporation bound to keep the road in good repair.

and vehicles for the transportation of persons and articles and be obliged to receive at all proper times and places and convey the same when the appropriate tolls therefor shall be paid or tendered, and a lien is hereby created on all articles transported for said tolls—*Provided*, that after ten years from the completion of said Rail Road, whenever the profits arising from tolls or otherwise, shall exceed the amount of twelve per centum per annum on the actual cost of said Rail Road after deducting all necessary disbursements in conducting its operations then the Legislature shall from time to time have the right so to reduce such tolls as may have been established not below the rate of twelve per centum per annum as aforesaid, as may be judged expedient. And to carry this provision into effect it shall be the duty of said Corporation within twelve months after such Rail Road shall have been put in operation, or any section thereof to make return to the Governor and Council of the actual cost of said Rail Road or section and annually thereafter of all the disbursements allowed by the Directors and the rates of toll by them established the amount of tolls and other profits received and the rate of profit or per centum on the cost aforesaid actually realized within the year and if the Legislature shall not be satisfied with such return the Legislature may require an examination into the affairs of the Corporation in such manner as they may direct. And if it shall appear that the affairs of said Corporation have not been economically conducted and that the profits arising from tolls or otherwise might have exceeded the maximum of twelve per centum per annum or that any wilful evasion of the provisions of this section has been practised by said Corporation then the Legislature shall have the right to make such reasonable reduction of the charges for disbursements aforesaid allowed and charged by said Directors, as shall be judged economical and from such basis so to reduce the tolls and profits not however below twelve per centum per annum as aforesaid as shall be judged expedient any thing in this Act to the contrary notwithstanding.

Legislature to have the right to reduce tolls after 10 years.

Corporation to make return to Governor and Council.

Legislature may require an examination into their affairs.

Directors may erect toll houses, &c.

SECT. 6. *Be it further enacted,* That the Directors of said Corporation for the time being are authorized to erect toll houses, establish gates, appoint toll gatherers, and demand toll on the said roads when completed, and upon such parts thereof as shall from time to time be completed.

Penalty for obstructing the passage, or damaging said road.

SECT. 7. *Be it further enacted,* That if any person shall wilfully and maliciously or wantonly and contrary to law, obstruct the passage of any carriage on said Rail Roads, or in any way spoil, injure or destroy said Rail Roads or any part thereof or anything belonging thereto or any material or implements to be employed in the construction, or for the use of said Road, he she or they, or any person or persons assisting, aiding or abetting in such trespass, shall forfeit and pay to said Corporation, for every such offence treble such damages as shall be proved before the Justice, Court or Jury before whom the trial shall be had, to be sued for before any Justice or in any Court proper to try the same, by the Treasurer of the Corporation or other officer whom they may direct, to the use of said corporation; and such offender or offenders shall be liable to indictment by the Grand Jury of the County within which such trespass shall have been committed for any offence or offences contrary to the above provisions, and on conviction thereof before any Court competent to try the same shall pay a fine not exceeding one hundred dollars to the use of the State, or may be imprisoned for a term not exceeding one year, at the discretion of the Court before whom such conviction may be had.

Annual meeting, to be on 1st Monday of June.

SECT. 8. *Be it further enacted,* That the annual meeting of the members of said Corporation shall be holden on the first Monday of June at such time and place as the Directors for the time being, shall appoint, at which meeting the Directors shall be chosen by ballot, each proprietor being entitled to as many votes as he holds shares, and the Directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it expedient and proper, giving such notice as the Corporation by their by laws shall direct.



SECT. 9. *Be it further enacted,* That if the said Corporation shall not have been organized, and the location according to the actual survey of the routes filed with the Governor and Council and County Commissioners of the Counties through which the same shall pass, on or before the thirty first day of December in the year of our Lord one thousand eight hundred and thirty seven, or if the said Corporation shall fail to complete that part of said Rail Road named in this Act leading from the City of Bangor, to Frankfort Village, on or before the thirty first day of December, in the year of our Lord one thousand eight hundred and forty, and that part leading from said Frankfort to Belfast, and from said Frankfort to Brooks, on or before the thirty first day of December, in the year of our Lord one thousand eight hundred and forty six, in either of the above mentioned cases this Act shall be null and void, so far as relates to either of said Rail Roads not so completed.

Corporation to be organized by certain time, otherwise Act to be void.

SECT. 10. *Be it further enacted,* That if said Rail Roads shall in their course through, cross any tide waters, navigable rivers or streams, the said Corporation be and they are authorized and empowered to erect for the sole and exclusive travel on their said Rail Roads, a bridge across each of said rivers or streams, or across any such tide waters, *Provided,* said bridge or bridges shall be so constructed as not to obstruct or unnecessarily impede the navigation of said waters.

May erect bridges over navigable waters.

Proviso

SECT. 11. *Be it further enacted,* That said Rail Road Corporation shall constantly maintain in good repair all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their Rail Roads over any Canal, turnpike, or other highway, or any private way, or for conducting such private way, turnpike, or other highway, over said Rail Roads.

Shall keep in good repair, &c. bridges over canals and highwys.

SECT. 12. *Be it further enacted,* That the Books of said Corporation shall at all times be open to the inspection of the Governor and Council and of any Committee duly authorized by the Legislature, and at the expiration

Books at all times to be open to inspection of Governor and Council.

Treasurer to  
make return to  
Legislature.

of every fifteen years the Treasurer of said Corporation shall make an exhibit under oath to the Legislature of the net profits derived from the income of said Rail Roads.

SECT. 13. *Be it further enacted*, That the provisions of an Act concerning Corporations passed March 17, 1831, shall not extend or apply to the Company hereby incorporated.

Holden to trans-  
port mail, &c.

SECT. 14. *Be it further enacted*, That the said Corporation shall at all times, when the Post Master General shall require it, be holden to transport the mail of the United States from and to such place or places on said Rail Road, as required, for a fair and reasonable compensation—and in case the Corporation and the Post Master General shall be unable to agree upon the compensation aforesaid, the Legislature of the State shall fix and determine the same.

### Chapter 149.

AN ACT to incorporate the Augusta Savings Institution.

Approved March 22, 1836.

Names of Corpo-  
rators.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Charles Williams, Richard H. Vose, William L. Wheeler, George W. Perkins Jr., J. W. Patterson, Rufus Chandler Vose, H. Spaulding, William Woart Jr., William H. Kittredge, Joseph P. Dillingham, James W. Ripley Benjamin Davis, Daniel Pike and John Potter, their associates and successors, be and hereby are incorporated into a body politic and corporate by the name of the Augusta Savings Institution, with power to make by-laws for the management of their concerns, not repugnant to the laws of the State—said Corporation to be established in the Town of Augusta.

Corporate name.

Mode of calling  
first meeting.

SECT. 2. *Be it further enacted*, That the first meeting of said Corporation may be holden at such time and at such place in Augusta, as a majority of the persons above